

### **REMARKS**

This reply is in response to the Office Action dated October 18, 2007 and the Advisory Action dated January 3, 2008. Claims 56-137 are pending in the application and stand rejected. Claims 56, 74, 90, 112, and 131 have been amended to expressly recite implicit aspects of the invention. The amendment derives from page 25, line 19 of the specification as filed, and the claims. Claims 84-89 and 105-107 are cancelled without prejudice in light of the claim amendments. No new matter has been added and such proposed amendments do not require an additional search or further consideration not already done by the Examiner.

Accordingly, entry of the foregoing amendment and reconsideration of the claims is respectfully requested.

#### **35 U.S.C. §103(a) - Obviousness**

Claims 56-137 stand rejected under 35 U.S.C. §103(a) as unpatentable over *Lue et al.* (U.S. Patent No. 6,255,426; hereafter “Lue”) in view of *Takahashi et al.* (EP Patent No. 982 362 A1; hereafter “Takahashi”) and *Wong et al.* (U.S. Patent No. 6,358,457; hereafter “Wong”). This rejection is traversed.

Applicants respectfully traverse this rejection on grounds that the Examiner has not established a *prima facie* case of obviousness. Within the four corners of *Lue*, *Takahashi* and *Wong*, there is no mention of using “from 0.25 to 6 wt% of polyisobutylene” in blown films. While *Takahashi* makes a general disclosure of using, among other “cling additives,” polyisobutylene, there is no disclosure or guidance as to how much should be used or which cling additive to add. The working examples in *Takahashi* do not indicate that polyisobutylene, or any cling additive, is used. Thus, the *Takahashi* disclosure is merely an invitation to do research.

Applicants contend that the Examiner has not established a *prima facie* case of obviousness. *Lue* discloses a copolymer that could be useful for stretch films, but makes no mention of tackifier. To cure this deficiency the Examiner relies on the teaching of *Takahashi*. However, *Takahashi* discloses films made from completely different copolymers than *Lue* and states that “additives, such as antioxidant..., phosphites..., cling additives..., pigment, colorant and filler can be added in amounts *not detrimental to the improved film properties found by the*

*present applicants.*"<sup>1</sup> This later statement would tend to teach that less, not more, of these additives is preferable.

To support an obviousness rejection as "obvious to try", the MPEP states that the examiner must articulate (1) a finding that at the time of the invention there had been a recognized problem or need in the art; (2) a finding that there had been a finite number of identified, predictable potential solutions to the recognized need; (3) a finding that one of ordinary skill in the art could have pursued the known potential solutions with a reasonable expectation of success; and (4) whatever additional findings based on the Graham factual inquiries may be necessary, in view of the facts of the case, to explain a conclusion of obviousness.<sup>2</sup>

Applicants are combining a specific type of polyethylene and polyisobutylene to solve the problem of creating a film with tensile stress, but without "tiger stripping." *Takahashi*, on the other hand, was using a specific metallocene made ethylene copolymer to obtain films with good transparency, mechanical strength, and moldability. Given that *Takahashi* was (i) not solving the same problem as Applicants, (ii) nor solving *Takahashi's* disclosed problem in the same way as Applicants, leading to a *finite number of identified, predictable potential solutions* to the recognized need, Applicants contend that the Examiner has not met this burden.

Thus, Applicants request that the obviousness rejection be withdrawn.

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<sup>1</sup> See, *Takahashi* at page 34, ll. 50-55 (emphasis added).

<sup>2</sup> MPEP § 2143 E., at pp. 2100-134 (8<sup>th</sup> ed., Rev. 6 2007).

**CONCLUSION**

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated. If necessary to affect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to affect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712 (Docket #: 2002B117/2US).

Respectfully submitted,

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